

Appln. No.: 09/963,324
Amendment Dated January 14, 2005
Reply to Office Action of October 14, 2005

MATP-611US

Remarks/Arguments:

Claims 1-14 are pending in the above-identified application.

Claims 14-15 were rejected under 35 U.S.C. § 112 because the claims do not reflect the language in the specification. Specifically, Examiner states that the specification fails to mention or describe the memory containing "a further plurality of look-up tables." The rejection is overcome by the amending paragraph[0044] of the specification to recite "...a plurality of look-up tables and/or look-up table sections." The plurality of look-up tables refer to tables which include control words for a plurality of electronic devices. As described in paragraph [0044], the plurality of devices may include a "VCR" or a "TELEVISION." Basis for this amendment may be found in claim 14 as filed.

Claims 1, 3 and 17 were rejected under 35 U.S.C. § 102 (a) as being anticipated by Jouet et al. This rejection is overcome by the amendments to claims 1 and 17. Basis for these amendments may be found in the specification at paragraphs [0024]-[0025] and Fig. 1.

With regard to claim 1, Jouet et al do not disclose or suggest a relay station, separate from an electronic device, wherein a control parameter is provided by the relay station to the electronic device, as required by claim 1. Jouet et al. concerns a voice recognition process and device associated with a remote control device. The device disclosed by Jouet et al. includes means for detecting an end of a voice data signal and means for analyzing voice data to avoid untimely triggering of processing following hesitations within the voice data signal. At paragraph [0030] of Jouet et al., RF signals are sent directly from the remote control device to a television set. These voice signals are converted to text in the television receiver and displayed on the television receiver. Jouet et al. do not disclose or suggest any control function being performed in response to any recognized words or sentences. Thus, Jouet et al. do not disclose or suggest elements of claim 1. Even if Jouet et al. did disclose that the recognized voice signals were used to generate commands, however, the subject invention would still provide advantages over the Jouet et al. apparatus because in Jouet et al., the functions of the invention are performed within an electronic device while in the subject invention, these functions are performed by a relay station that is separate from the electronic device. Because the relay station is separate from the electronic device, it may generate control signals for existing electronic devices, that is to say, devices that are not specially adapted to convert voice

Appn. No.: 09/963,324
Amendment Dated January 14, 2005
Reply to Office Action of October 14, 2005

MATP-611US

signals to command signals, as the Office Action erroneously states as a feature of the Jouet et al device. In addition, because the relay station of the subject invention is separate from the electronic device, it may control more than one electronic device.

Because Jouet et al. do not disclose or suggest this limitation of claim 1 , claim 1 is not subject to rejection under 35 U.S.C. § 102(a) in view of Jouet et al. Claim 3 depends from claim 1. Accordingly, claim 3 is not subject to rejection under 35 U.S.C. § 102(a) in view of Jouet et al.

With regard to claim 17, claim 17, while not identical to claim 1, includes features similar to those set forth above with regard to claim 1. Thus, claim 17 is also not subject to rejection under 35 U.S.C. § 102 (a) in view of Jouet et al. for the same reasons as those set forth above with regard to claim 1.

Claims 1, 3-6 and 17 were rejected under 35 U.S.C. § 102 (e) as being anticipated by Mingot et al. This rejection is overcome by the amendments to claims 1 and 17.

With regard to claim 1, Mingot et al do not disclose or suggest a relay station, separate from an electronic device, wherein a control parameter is provided by the relay station to the electronic device, as required by claim 1. The invention in Mingot et al. generates a signal for controlling an apparatus corresponding to a word or group of words picked up by a microphone in a remote control device. However, the elements required to convert the speech signals and generate the signal for controlling the apparatus are located within the apparatus. (See col. 3, lines 37-39 and Fig. 3). The invention in Mingot et al. does not perform these functions separate from the electronic device. As described above, the advantage of the present invention is that it provides control parameters, which have been converted from voice signals, to existing electronic devices.

Because Mingot et al. do not disclose or suggest this limitation of claim 1 , claim 1 is not subject to rejection under 35 U.S.C. § 102(e) in view of Mingot et al. Claims 3-6 depend from claim 1. Accordingly, claims 3-6 are not subject to rejection under 35 U.S.C. § 102(e) in view of Mingot et al.

Appn. No.: 09/963,324
Amendment Dated January 14, 2005
Reply to Office Action of October 14, 2005

MATP-611US

With regard to claim 17, claim 17, while not identical to claim 1, includes features similar to those set forth above with regard to claim 1. Thus, claim 17 is also not subject to rejection under 35 U.S.C. § 102(e) in view of Mingot et al. for the same reasons as those set forth above with regard to claim 1.

Claims 2 and 7 were rejected under 35 U.S.C. § 103 (a) as being obvious in view of Mingot et al. and Douglas. This ground for rejection is overcome by the amendments to claim1. In particular, neither Mingot et al., Douglas, nor their combination disclose or suggest a relay station, separate from a remote control unit and an electronic device, wherein a control parameter is provided by the relay station to the electronic device, as required by claim 1. Mingot et al. is described above. The patent to Douglas concerns a voice actuated control system for a hospital bed that permits a patient to control the bed and room environment functions through voice commands. The control devices described in Douglas are located within an apparatus that is not separate from the microphone. The control devices are contained in a controller card that is connected to the computer. (See col. 4, lines 12-20 and col. 4, lines 47-55). The microphone is connected to the voice card in the computer via a standard phone jack.(See Col. 6, lines 29-31). Therefore, both the microphone and the relay devices are physically connected to the computer. As described above, the advantage of having the audio input component and the relay devices separated according to the present invention is that it provides greater flexibility for the user, allowing the user to control more than one device and also allowing the user to control devices that have not been specifically adapted to receive control signals from the relay station. Because neither Mingot et al. nor Douglas disclose the limitations of claim 1 , claim 1 is not subject to rejection under 35 U.S.C. § 103(a) in view of Mingot et al. and Douglas. Claims 2 and 7 depend from claim 1. Accordingly, these claims are not subject to rejection under 35 U.S.C. § 103(a) in view of Mingot et al. and Douglas for at least the same reasons as claim 1.

Claims 8-12 were rejected under 35 U.S.C. § 103 (a) as being obvious in view of Mingot et al., Douglas and in further view of Kuhn. This ground for rejection is overcome by the amendments to claim1 described above. In particular, neither Mingot et al., Douglas, Kuhn nor their combination disclose or suggest a relay station, separate from a remote control unit and an electronic device, wherein a control parameter is provided by the relay station to the electronic device, as required by claim 1. Mingot et al. and Douglas are described above. Pursuant to 35 U.S.C. § 103(c), the Kuhn application is not a valid prior art reference under 35

Appn. No.: 09/963,324
Amendment Dated January 14, 2005
Reply to Office Action of October 14, 2005

MATP-611US

U.S.C. § 103 (a) because it was copending with the present application, and thus, a prior art reference only under 35 U.S.C. § 102(e) and because it was assigned to Matsushita Electric Industrial Co., Ltd. The assignee of the subject application. Because neither Mingot et al. nor Douglas disclose the limitations of claim 1 and because Kuhn is not a valid prior art reference under 35 U.S.C. § 103 (a), claim 1 is not subject to rejection under 35 U.S.C. § 103(a) in view of Mingot et al., Douglas and Kuhn. Claims 8-12 depend from claim 1. Accordingly, these claims are not subject to rejection under 35 U.S.C. § 103(a) in view of Mingot et al., Douglas and Kuhn for at least the same reasons as claim 1.

Claims 13 was rejected under 35 U.S.C. § 103 (a) as being obvious in view of Mingot et al. and Arling et al. This ground for rejection is overcome by the amendments to claim 13. In particular, neither Mingot et al., Arling nor their combination disclose or suggest a relay station, separate from a remote control unit and an electronic device, wherein a control parameter is provided by the relay station to the electronic device, as required by claim 1. Mingot et al. is described above. In Arling et al., a remote control device receives a voice input and, if the voice input matches a command template, transmits a corresponding operational command to an electronic device. (See col. 2, lines 26-36). The control parameters are not sent from a device that is separate from the remote control device as required by claim 13.

Claims 16 and 18 were rejected under 35 U.S.C. § 103 (a) as being obvious in view of Mingot et al. and Kuhn. This ground for rejection is overcome by the amendments to claims 16 and 18. Claims 16 and 18, while not identical to claim 1, include features similar to those set forth above with regard to claim 1. Thus, claims 16 and 18 are also not subject to rejection under 35 U.S.C. § 103(a) for at least the same reasons as those set forth above with regard to claim 1.

Mingot et al. and Kuhn are described above. In particular, Mingot et al. do not disclose or suggest a relay station, separate from a remote control unit and an electronic device, wherein a control parameter is provided by the relay station to the electronic device, as required by claims 16 and 18. As described above, Kuhn is not a valid prior art reference under 35 U.S.C. § 103 (a). Because Mingot et al. do not disclose the limitations of claims 16 and 18 and because Kuhn is not a valid prior art reference under 35 U.S.C. § 103 (a), claims 16 and 18 are not subject to rejection under 35 U.S.C. § 103(a) in view of Mingot et al. and Kuhn.

Appn. No.: 09/963,324
Amendment Dated January 14, 2005
Reply to Office Action of October 14, 2005

MATP-611US

Examiner has taken Official Notice that remote control units with an audio output are well known. This use of Official Notice is not consistent with USPTO policy, as stated in the memorandum of February 21, 2002 from Stephen G. Kunin, Deputy Commissioner for Patent Examination Policy to the Patent Examining Corps Technology Center Directors. In The memorandum is entitled: "Procedures for relying on facts which are not of record as common knowledge or for taking Official Notice," it is stated:

Official notice unsupported by documentary evidence should only be taken by the examiner where the facts asserted to be well-known, or to be common knowledge in the art are capable of instant and unquestionable demonstration as being well-known. . .

It would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known. For example, assertions of technical facts in the areas of esoteric technology or specific knowledge of the prior art must always be supported by citation to some reference work recognized as standard in the pertinent art.

It is never appropriate to rely solely on "common knowledge" in the art without evidentiary support in the record, as the principal evidence upon which a rejection was based. . . (emphasis in original)

Applicants respectfully traverse the Official Notice, common-knowledge, assertion upon which this rejection was based. The audio output in question contains synthesized speech. Applicants are unaware of any remote control devices available in September of 2001 that provided a synthesized speech output.

If the Examiner continues to assert that this element of claims 16 and 18 is well known, Applicants respectfully request that a "citation to some reference work recognized as standard in the pertinent art" be provided.

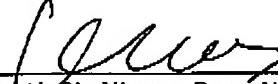
The prior art made of record but not applied has been considered but does not affect the patentability of the invention.

Appn. No.: 09/963,324
Amendment Dated January 14, 2005
Reply to Office Action of October 14, 2005

MATP-611US

In view of the foregoing amendments and remarks, Applicants request that the Examiner reconsider and withdraw the rejection of claims 1-18.

Respectfully submitted,


Kenneth N. Nigon, Reg. No. 31,549

Attorney(s) for Applicant(s)

KNN/tmb

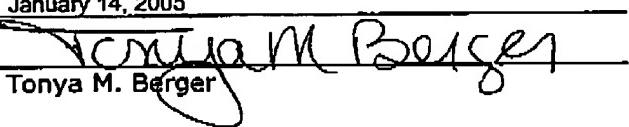
Dated: January 14, 2005

P.O. Box 980
Valley Forge, PA 19482
(610) 407-0700

The Commissioner for Patents is hereby authorized to charge payment to Deposit Account No. 18-0350 of any fees associated with this communication.

I hereby certify that this correspondence is being filed with the U.S. Patent and Trademark Office via Facsimile Transmission to Facsimile No. 1-703-872-9306 addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

January 14, 2005


Tonya M. Berger